

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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THE AUTHORS GUILD, INC., et al., :

Plaintiffs, : Case No. 11-cv-6351(HB)

v. : **ORAL ARGUMENT
REQUESTED**
HATHitrust, et al., :

Defendants. :
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DEFENDANT INTERVENORS' NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of Dr. Mark Maurer, Declaration of George Kerscher, Declaration of Jim Fruchterman, Declaration of Laura Ginsberg Abelson (and the exhibits thereto), Local Rule 56.1 Statement, the Declaration of John Wilkin (filed in support of the HathiTrust defendants' motion for summary judgment and incorporated by reference herein), and upon all prior pleadings and proceedings had in this action, Defendant Intervenors the National Federation of the Blind, Georgina Kleege, Blair Seidlitz, and Courtney Wheeler will move before the Honorable Harold Baer, U.S. District Judge, at a date and time convenient for the Court, in Courtroom 23B at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order granting summary judgment in favor of the Defendant Intervenors pursuant to FED. R. CIV. P. 56 and such other and further relief as is just and proper.

As explained in the above-referenced Memorandum of Law, Declarations, and Local Rule 56.1 Statement of Undisputed Facts, Defendant Intervenors respectfully submit that an order granting summary judgment in their favor should be entered, and such relief should be

granted, pursuant to Defendant Intervenors' rights under sections 107 and 121 of the Copyright Act, 17 U.S.C. §§ 107 and 121.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's Order dated June 6, 2012, opposition papers must be filed on or before July 20, 2012 and reply papers must be filed on or before July 27, 2012.

Dated: June 29, 2012

Respectfully submitted,

/s/

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